M.C.C. Refrance u/s 27 of the M.C. Act.

XI-HC-22

Sub. Category Code.....

Single Bench

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

(7)

मामला क्रमांक MCC 155 सन् 2007

Smt Savita & Sons ... विरुद्ध ... Maclean & Co.

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(2) (8)

मामला क्रमांक M.C.C. No- 155 सन् 200 7

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	09/05/2007 Shri Akhil Agrawal, Panel Lawyer for the State. The Commissioner for Workmen Compensation, Durg has under Section 27 of the Workmen Compensation Act, 1923 submitted the following question of law for decision by this Court:- "Whether in a case of fatal accident, the application under Section 10 of the Workmen Compensation Act, 1923 could be disposed of on the basis of a compromise dated 15.03.2007? Or Whether in a fatal accident case where the employer has not deposited any amount for payment to the dependents of the deceased workman, the application for compensation should only be decided on merits?" Considering the scheme of the Workmen Compensation Act, 1923 and the provisions contained in Section 8 and Section 28 of the Act, the reference is answered as follows: "In view of the omission of the words "or to a dependant" from Section 28 and the provision of Section 8, in a case of fatal accident, the Commissioner for Workmen Compensation is bound to decide the case on merits and not on the basis of a compromise as filed by the parties on 15.3.2007. Reference is answered accordingly. Sd/- Dilip Raosaheb Deshmukh Judge Kvr	

GRPRJ — FS/246— 2/2007 — 50,000.